

Appl. No. : **10/803,274**
Filed : **March 18, 2004**

REMARKS

Claims 1-34 and 36-43 remain pending in the present Application, Claim 35 having been canceled without prejudice or disclaimer, and Claims 21 and 23 having been amended. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ or [[double brackets]] and additions being underlined.

In response to the Office Action mailed April 4, 2008, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Claim 23 is Not Objectionable

Claim 23 stands objected to based on its dependency from itself. In response, Applicants have amended Claim 23 to depend from allowed Claim 22. No new matter has been introduced. Additionally, Claim 23 is in condition for allowance, not only because it depends from allowed Claim 22, but also on its own merit.

The Proposed Combination of Mizuta et al./Wagner et al. Does Not Make Claims 21 or 24-34 Obvious

Claims 21 and 24-34 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,086,858 issued to Mizuta et al. in view of U.S. Patent No. 6,729,830 issued to Wagner et al. Applicants respectfully traverse the present rejection.

However, in order to expedite prosecution of the present Application, Applicants have canceled allowable Claim 35 and incorporated the recitations thereof into Claim 21. Thus, the present rejection is now moot and Claim 21 is in condition for allowance.

Applicants wish to note that the recitations of Claim 35 have been incorporated into Claim 21 without any substantive change. As such, the present scope of Claim 21 is identical to the original scope of Claim 35. Thus, Applicants submit that this amendment does not represent an abandonment of any range of equivalents of the original recitations of Claim 35. Rather, all of the equivalents of the original recitations of Claim 35 are also equivalents of the present recitations of Claim 21.

Applicants also submit that Claims 30-34 also define over these references, not only because they depend from one of Claim 21, but also on their own merit.

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Applicants recognize that Claims 24-29 stand rejected. However, Applicants wish to point out that Claim 1 stands allowed as noted on page 4 of the Office Action. Thus, Applicants assume that the rejections of Claims 24-29, which depend from Claim 1, were erroneous.

If the Examiner intended to reject Claim 1, Applicants submit that there is not sufficient information in the outstanding Office Action for Applicants to respond to such a rejection of Claim 1. Thus, Applicants submit that if a subsequent Action includes a rejection of Claim 1, the finality of the outstanding Office Action must be withdrawn.

All Withdrawn Claims Should Be Reinstated

Applicants wish to note that withdrawn Claims 3, 5, and 6 should now be reinstated because they indirectly depend from allowed Claim 1.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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